

**YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY
ACT, 1989**

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MAHARASHTRA ACT No. XX OF 1989¹

[THE YASHWANTRAO CHAVAN MAHARASHTRA OPEN UNIVERSITY
ACT, 1989]

(This Act received the assent of the Governor on the 29th April 1989;
assent was first published in the Maharashtra Government Gazette,
Part IV, on the 2nd May 1989)

Amended by Mah. I of 1993 (15-4-1993)*

Amended by Mah. 12 of 2003 (9-4-2003)*

Amended by Mah. 14 of 2009 (25-5-2009)*

An Act to establish and incorporate an Open University in the State of Maharashtra for the introduction and promotion of the Open University and distance education system in the Educational Pattern of the State.

WHEREAS it is expedient to enact a law to establish and incorporate an Open University in the State of Maharashtra for the introduction and promotion of the Open University and distance education system in the educational pattern of the State of Maharashtra, as a measure in the decentralisation and reorganisation of University education in that State and to provide for matters connected therewith or supplemental or incidental thereto; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Yashwantrao Chavan Maharashtra Open University Act, 1989.

Short title
and
commence-
ment.

(2) It shall come into force on such date² as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, and the Statutes made thereunder, unless the context otherwise requires,—

Definitions.

- (1) "Academic Council" means the Academic Council of the University ;
- (2) "Authorities" means the authorities of the University specified in section 15 as the context may require ;
- (3) "Board of Management" means the Board of Management of the University ;
- (4) "Chancellor" means the Chancellor of the University ;
- (5) "distance education system" means the system of imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means ;
- (6) "employee" means any person appointed by the University, and includes teachers and other academic staff of the University ;

1 For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, Extraordinary, Page 153.

2 1st July, 1989 (*vide* G. N., E. and E. D., No. UON/1489/8060/UNI. 3-Cell; dated 28th June, 1989 published in the *Maharashtra Government Gazette*, Part IV-B, dated 27th July, 1989 at page 879).

* This indicates the date of commencement of the Act.

(7) "Finance Committee" means the finance Committee of the University as constituted under section 19 ;

1[(7-a) "Other Backward Classes" means and includes such classes or parts of or groups within such classes, as are declared, from time to time, by the State Government to be Other Backward Classes ;]

(8) "Planning Board" means the Planning Board of the University as constituted under section 18 ;

(9) "prescribed" means prescribed by the Statutes, Ordinances, regulations or rules made under this Act ;

(10) "recognised institution" means an institution established for research or specialised studies and recognised to be so by the University ;

(11) "regional centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of study centres in any region and for performing such other functions as may be conferred on such centre by the Board of Management ;

(12) "regulations" means the regulations made by any authority of the University under this Act ;

(13) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India and, for the purposes of this Act, includes *Nav-Boudhas* ;

(14) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India residing in any part of the State of Maharashtra and, for the purposes of this Act, includes denotified and nomadic tribes ;

(15) "school" means a school of studies of the University ;

(16) "Statutes" and "Ordinances" means, respectively, the Statutes and Ordinances of the University ;

(17) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University ;

(18) "study centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, evaluating or for rendering any other assistance required by the students ;

(19) "teachers" means professors, readers, lecturers and such other persons as may be designated by the Ordinances for imparting instruction in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University ;

(20) "University" means the Yashwantrao Chavan Maharashtra Open University established under section 3 ;

(21) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. (1) There shall be established a University by the name of "Yashwantrao Chavan Maharashtra Open University".

Establishment and incorporation of University.

(2) The headquarters of the University shall be located at Nashik; and the University may establish, maintain or recognise institutes, schools, regional centres and study centres at such other places in the State as it may deem fit.

(3) The first Vice-Chancellor and the first members of the Board of Management, the Academic Council and the Planning Board and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted and declared to be a body corporate by the name of Yashwantrao Chavan Maharashtra Open University; and such body corporate shall have perpetual succession and a common seal and may sue and be sued by the said name.

Objects of University.

4. The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology, to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community generally, to encourage the Open University and distance education systems in the educational pattern of the State and the University shall, in organising its activities, have due regard to the objects specified in the First Schedule.

Powers of University.

5. (1) The University shall have the following powers, namely :—

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research and extension ;

(ii) to plan and prescribe courses of study of degrees, diplomas, certificates or for any other purpose ;

(iii) to hold examination and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances ;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes ;

(v) to determine the manner in which distance education in relation to the academic programmes of the University may be organised ;

(vi) to institute professorships, readerships, lecturerships, and other academic positions necessary for imparting instruction or for preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students and to prescribe their qualifications ;

(vii) to appoint or recognise persons as teachers ;

(viii) to co-operate with, and seek the co-operation of, other universities and institutions of higher learning, professional bodies and organisations for such purposes as the University considers necessary ;

(ix) to hold and manage trusts and endowments and institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit as the University may deem fit ;

(x) to establish, maintain or recognise such regional centres as may be determined by the University from time to time ;

¹[(xa) to start or conduct a sub-centre or study centre in any territory outside the State of Maharashtra, with the approval of the Government concerned ;

(xb) to undertake academic collaboration programmes with Universities and Institutions abroad, with the approval of the State Government, and if necessary, of the Central Government ;]

(xi) to establish, maintain or recognise study centres in the manner laid down by the Statutes ;

(xii) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes and other software ;

(xiii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff ;

(xiv) to recognise examinations of, or periods of study (whether in full or part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time ;

(xv) to make provision for research and development in educational technology and matters related thereto ;

(xvi) to create administrative, ministerial and other necessary posts and to make appointments, thereto ;

(xvii) to receive benefactions, donations, and gifts for educational and other social or national causes and maintain proper accounts thereof ;

(xviii) to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer or dispose of any moveable or immoveable property, which may vest in, or be acquired by it, for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act ;

Provided that, no such lease, sale or transfer of immoveable property shall be made without the prior consent of the State Government ;

Provided further that, where the State Government is satisfied that any such property should, in the interest of the University, be given on lease, sold or otherwise transferred or disposed of, the State Government shall issue necessary directions to the University and the University shall comply with such directions forthwith ;

(xix) to borrow, with the approval of the State Government, whether on the security of the property of the University or otherwise, money for the purposes of the University ;

(xx) to enter into, carry out, vary or cancel contracts ;

(xxi) to demand and receive such fees and other charges, as may be laid down by the Ordinances ;

(xxii) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees and their code of conduct ;

(xxiii) to recognise any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition ;

(xxiv) to appoint, either on contract, or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers, and such other persons who may contribute to the advancement of the objects of the University ;

¹ Clauses (xa) and (xb) were inserted by Mah. 12 of 2003; s. 2.

(xxv) to recognise persons working in other universities, institutions or organisations as teachers on such terms and conditions as may be laid down by the Ordinances ;

(xxvi) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examination, evaluation and any other method of testing ;

(xxvii) to make arrangements for the promotion of the general health and welfare of the employees ;

(xxviii) to do all such other acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conducive to the promotion of all or any of the objects of the University.

(2) Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the Open University and distance education systems in the State and for the determination of standards of teaching, evaluation and research in such systems.

6. The University shall, in the exercise of its powers, have jurisdiction over the whole of the State of Maharashtra :

Jurisdiction.

[Provided that, the University may, in the interest of promotion of Open University and distance education system in the educational pattern of the State, with the prior permission of the State Government and Government of India, open its sub-centres or study centres outside India.]

7. (1) The University shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession or political or other opinion in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University or to graduate thereat, or to enjoy or exercise any privilege thereof.

University open to all classes, castes and creeds.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provisions for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of persons belonging to the Scheduled Castes ²[, Scheduled Tribes and Other Backward Classes], in accordance with the directives, if any, given from time to time by the State Government.

Chancellor and his powers.

8. (1) The Governor of Maharashtra shall be the Chancellor of the University.

(2) The Chancellor shall be competent to call from time to time such information or records relating to any affairs of the University, and the Vice-Chancellor shall furnish the same. It shall also be lawful for the Chancellor, after perusal of such information or records, to give in the interest of the University such directives to the Vice-Chancellor, or as he deems fit, and the Vice-Chancellor shall comply with such directives.

(3) Subject to the provisions of sub-sections (4) and (5), the Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and of any regional centre or a study centre and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University:

(4) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, such representation to him as it may consider necessary.

1. This proviso was added by Mah. 12 of 2003, s. 3.

2. These words were substituted for the words "or Scheduled Tribes" by Mah. 7 of 1993, s. 15

(5) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(7) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advice tendered by him upon the action to be taken thereon.

(8) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(9) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time limit fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Chancellor may, by an order in writing annul, suspend or modify any resolution, order or proceedings of the University which is not in conformity with this Act, the Statutes or the Ordinances or is not in the interest of the University :

Provided that, before making any such order, he shall call upon the University to show cause why such an order should not be made and if any cause is shown within a time limit fixed by the Chancellor, he shall consider the same.

(11) The Chancellor shall have such other powers as may be specified by the Statutes.

Officers of
University.

9. The following shall be the officers of the University, namely :—

(1) The Vice-Chancellor ;

¹[(1A) The Pro-Vice-Chancellor ;]

(2) The Directors ;

²[(2A) The Controller of Examinations ;]

(3) The Registrars ;

(4) The Finance Officers ; and

(5) Such other officers as may be declared by the Statutes to be officers of the University.

Vice-
Chancellor.

10. ³[(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of Vice-Chancellor, namely :—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute or a recipient of *Padma Award* in the field of education ;

1 This clause was inserted by Mah. 12 of 2003, s. 4 (a).

2 This clause was inserted, *ibid.*, s. 4 (b).

3 Sub-sections (1) to (1F) were substituted for sub-section (1) by Mah. 14 of 2009, s. 2.

(ii) the Principal Secretary of Higher and Technical Education Department or any officer not below the rank of Principal Secretary to Government, nominated by the State Government ;

(iii) the Director or Head of an institute or organisation of national repute, such as, Indian Institute of Technology, Indian Institute of Management, Indian Institute of Science, Indian Space Research Organisation or National Research Laboratory, nominated by the Board of Management and the Academic Council, jointly, in the manner specified by the State Government by an order published in the *Official Gazette* ;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee ;

(c) The members nominated shall be the persons who are not connected with the University ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.

(1A) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor however, may, extend such time limit if in the exigency of the circumstances it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(1B) The term of the Vice-Chancellor, his emoluments and other conditions of service, shall be such as may be prescribed by the Statutes.

(1C) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write up on suitability of each person included in the panel.

(1D) A person for being recommended by the Committee for appointment as a Vice-Chancellor shall,—

(a) be an eminent academician or an administrator of high caliber ;

(b) be able to provide leadership by his own example ;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(1E) The eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.

(1F) If the Chancellor does not approve of any of the persons recommended under sub-section (1C), he may constitute the Committee if he deems fit and call for fresh recommendations.]

(2) The Vice-Chancellor shall be the principal academic and executive officer of the university, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) Notwithstanding anything contained in this Act, the Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter in its next meeting :

Provided that, if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final :

Provided further that, any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board of Management within ninety days from the date on which such action is communicated to him and thereupon the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) Notwithstanding anything contained in this Act, the Vice-Chancellor, if he is of the opinion that any decision of any authority is beyond the powers of the authority conferred on it by the provisions of this Act, Statutes or Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part as directed by the Vice-Chancellor or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Chancellor whose decision thereon shall be final :

Provided that, the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Chancellor, as the case may be, under this sub-section.

(5) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

Pro-Vice-Chancellor. ¹[10A. The Pro-Vice-Chancellor shall be appointed by the Vice-Chancellor in such manner, for such terms and on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.]

Director. 11. The Director shall be appointed in such manner, on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Controller of Examinations. ²[11A. The Controller of Examinations shall be appointed by the Vice-Chancellor in such manner, for such terms and on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.]

Registrar. 12. (1) The Registrar shall be appointed in such manner, on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) A Registrar empowered by the Board of Management shall have the power to enter into and sign, agreements and authenticate records on behalf of the University.

(3) Every Registrar shall exercise such powers and perform such functions as may be prescribed by the Statutes.

¹ This section was inserted by Mah. 12 of 2003, s. 5.

² This section was inserted; *ibid.*, s. 6.

13. The Finance Officer shall be appointed in such manner, on such emoluments and other conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes. Finance officer.

14. The manner of appointment, emoluments, powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes. Other officers.

15. The following shall be the authorities of the University, namely :— Authorities of University.

(1) The Board of Management ;

(2) The Academic Council ;

(3) The Planning Board ;

(4) The Finance Committee ;

¹[(4A) The Board of Examinations ;

(4B) The Board of University Teaching and Research ;]

(5) Such other authorities as may be declared by the Statutes to be the authorities of the University.

²15A. Notwithstanding anything contained in any other provisions of this Act, in consultation with the Chancellor, the State Government may, by an order published in the *Official Gazette*, specify the eligibility conditions for being appointed or nominated as a member of any authority of the University.] Power of Government to specify eligibility conditions for being member of any authority of University.

16. (1) The Board of Management shall be the principal executive body of the University. Board of Management.

(2) The constitution of the Board of Management, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

17. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such powers, and perform such other function as may be conferred or imposed upon it by the Statutes. Academic Council.

(2) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.

18. (1) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall also be responsible for the monitoring of the developments of the University on the lines indicated in the objects of the University. Planning Board.

(2) The constitution of the Planning Board, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

19. The constitution, powers and functions of the Finance Committee shall be such as may be prescribed by the Statutes. Finance Committee.

³19A. The constitution, powers and functions of the Board of Examinations shall be such as may be prescribed by the Statutes. Board of Examinations.

¹ These clauses were inserted by Mah. 12 of 2003, s. 7.

² Section 15A was inserted by Mah. 14 of 2009, s. 3.

³ Sections 19A and 19B were inserted by Mah. 12 of 2003, s. 8.

Board of
University
Teaching and
Research.

19B. The constitution, powers and functions of the Board of University Teaching and Research shall be such as may be prescribed by the Statutes.]

Other
authorities.

20. The constitution, powers and functions of other authorities which may be declared by the Statutes to be the authorities of the University shall be such as may be prescribed by the Statutes.

Statutes.

21. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) ¹[the term of appointment of the Vice-Chancellor,] the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him ;

(b) the manner of appointment of the ²[Pro-Vice-Chancellor, Director, Controller of Examinations,] Registrar, Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers ;

(c) the constitution of the Board of Management and other authorities of the University, the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities ;

(d) the manner of appointment of teachers and other employees of the University, their emoluments, qualifications, code of conduct and other conditions of service including the manner of termination of service and other disciplinary action ;

³[(d-a) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for members of the Schedule Castes, Scheduled Tribes and Others Backward Classes ;]

(e) the conferment of honorary degrees ;

(f) the acceptance and management of trusts, bequests, donations and endowments ;

(g) laying down the policy and norms regarding —

(i) fixation of examination fees and emoluments, travelling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work ;

(ii) payment for teachers, lesson writers, evaluators and other academic staff appointed for organisation and conducting refresher courses, workshops, seminars and other programmes ;

(iii) rates of tuition fees and other charges receivable from the students ;

(iv) rates of remuneration to visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers ;

(h) the principles governing the seniority of service of the employees of the University ;

(i) the procedure for the settlement of dispute between the University and the Students ;

(j) all other matters which, by or under this Act, are to be, or may be, provided by the Statutes.

Statutes
how made.

22. (1) The first Statutes are those set-out in the Second Schedule.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1) :

Provided that, the Board of Management shall not make, amend or repeal any Statute affecting the status, powers of constitution of any authority of the University

¹ These words were substituted for the words "the manner of appointment of the Vice-Chancellor, the term of his appointment", by Mah. 14 of 2009, s. 4.

² These words were substituted for the word "Director" by Mah. 12 of 2003, s. 9.

³ Clause (d-a) was inserted by Mah. 7 of 1993, s. 16.

until such authority has been given a reasonable opportunity to express, within the time fixed by the Board of Management, its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Board of Management.

(3) Every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Board of Management for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has been assented to by the Chancellor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of five years immediately after the commencement of this Act.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor may either *suo moto* or in consultation with Government direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board of Management is unable to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Board of Management for its inability to comply with such direction, make or amend the Statutes suitably.

23. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

(a) the admission of students, the courses of study and the fees therefor, the qualifications, pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like ;

(b) the conduct of examinations, including the terms and conditions for the appointment of examiners, moderators and such other staff and their duties ;

(c) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct, including the following, namely :—

(i) use of unfair means at an examination, or in relation thereto, by himself or by any other student, or abetment thereof ;

(ii) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the University; or

(iii) disorderly or otherwise objectionable conduct whether within or outside the University ;

(d) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners ;

(e) the inspection of study centres and recognised institutions ;

(f) the mode of execution of contracts or agreements for, or on behalf of, the University ;

(g) the rules to be observed and enforced by study centres and recognised institutions regarding transfer of students ;

(h) the holding of convocations to confer degrees, diplomas, certificates and other academic distinctions ;

(i) collaboration with other Universities in the State and other statutory authorities and collaboration with departments of the State Government ;

(j) the appointment, for a specified period or periods, of teachers and other academic staff working in any other University or organisation for undertaking joint projects ;

(k) provision for reservation of adequate number of posts of teachers, officers and other employees of the University for members of the Scheduled Castes and Scheduled Tribes ;

(l) manner of withdrawal of recognition ;

(m) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Chancellor and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in such manner as may be prescribed by the Statutes.

Regulations.

24. The authorities of the University may, subject to the approval of the Board of Management, make regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in such manner as may be prescribed.

University
Fund.

25. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund, namely :—

(a) all contributions or grants made by the State Government, the Central Government, the Indira Gandhi National Open University and the University Grants Commission ;

(b) all income of the University from any source whatsoever including income from fees and charges ;

(c) all income or moneys from trusts, bequests, donations, endowments, subventions and other grants ;

(d) any sums borrowed from the banks, with the previous permission of the State Government.

(3) The University shall have, and maintain, a Contingency Fund under a separate head in the University accounts, to which shall be credited such sums as may, from time to time, be granted as contributions or grant by the State Government specially for this purpose. Such Fund shall be used only for making advances for the purpose of meeting unforeseen expenditure.

(4) With the previous sanction of the State Government, any portion of the University Fund may, from time to time, be credited by the University to a separate head in the University accounts :

Provided that, there shall be credited and debited to such special head, only such sums as shall expressly relate to the objects for which such separate fund is created :

Provided further that, the Board of Management may, by passing a special resolution, authorise transfer of any amount temporarily from one head to another in the University accounts.

(5) The University Fund shall, at the discretion of the Board of Management, be kept in the State Bank of India, or in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949, or in a Co-operative Bank approved by the State Government for the purpose, or be invested in securities

2 of authorised by the Indian Trusts Act, 1882, or, subject to the maximum limit of rupees
1882. five lakhs, in the shares of, or by giving loans to, the Consumers' Co-operative
Societies established for the purposes of the University, or recognised institutions.

26. (1) The annual financial estimates of the University for the ensuing financial year shall be prepared by the Finance Officer, under the direction of the Board of Management, at least five months before the commencement of the Financial year.

Annual financial estimates.

(2) The financial year of the University shall be the same as that of the State Government.

(3) The financial estimates shall be submitted to the Board of Management for its approval.

(4) The Finance Officer shall thereafter forward the copies of the financial statements to the Chancellor, the State Government and the Director of Higher Education.

27. (1) The annual statement of accounts of the University for a financial year shall be prepared by the Finance Officer, under the direction of the Board of Management, within a period of two months, after the close of the financial year.

Annual accounts and its audit.

(2) The annual accounts as approved by the Board of Management shall be audited by the Auditor appointed by the State Government.

(3) The annual accounts, as approved by the Board of Management shall be printed and copies thereof shall, together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and points raised by the Auditor in his previous reports, shall be forwarded by the Board of Management as soon as possible and in any case, within the period of nine months from the end of financial year to—

- (a) the Chancellor ;
- (b) the State Government ;
- (c) the Director of Higher Education ; and
- (d) the Auditor appointed by the State Government.

¹[(3A) The State Government shall cause the audited annual accounts of the University, received by it, to be laid before each House of the State Legislature.]

²[* * *]

(5) It shall be competent for the State Government to give directions to the University regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained or to take necessary action against the authority, the officer or any employee of the University found guilty in the audit report for committing irregularities and the University shall act according to the directions of the State Government.

28. (1) The annual report of the University shall be prepared under the directions of the Board of Management which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

Annual report.

(2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the Statutes.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the State Government. ³[* * *].

⁴[(4) The State Government shall cause the annual report of the University, received by it, to be laid before each House of the State Legislature.]

1 Sub-section (3A) was inserted by Mah. 14 of 2009, s. 5.

2 Sub-section (4) was deleted by Mah. 12 of 2003, s. 10.

3 This portion was deleted, *ibid.*, s. 11.

4 Sub-section (4) was inserted by Mah. 14 of 2009, s. 6.

Financial
control of
State
Government.

29. (1) Without obtaining the prior approval of the State Government or any officer authorised by it in this behalf, the University shall not—

(i) create any new posts of officers, teachers or other employees ;

(ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications, offered to its officers, teachers and other employees ;

(iii) incur any expenditure on any development work.

(2) Any post created, any financial benefits offered to its officers, teachers and other employees or any expenditure incurred on any development work, without the prior approval of the State Government or such authorised officer, may be treated by the State Government or such authorised officer, as unapproved expenditure for the purpose of payment of grant-in-aid.

Conditions
of service of
employees.

30. (1) Every employee of the University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The contract referred to in sub-section (1) shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Special
provision for
Scheduled
Castes,
Scheduled
Tribes and
Other
Backward
Classes in
services and
posts in
University.

[30A. (1) The University shall take into consideration, consistently with the maintenance of teaching standards and efficiency of administration, the claims of the members of the Schedule Castes, Schedule Tribes and Other Backward Classes in making appointments to teaching and non-teaching posts; and the Board of Management shall make necessary Statutes for reservation of adequate number of posts for members of such Castes, Tribes and Classes.

(2) Notwithstanding anything contained in this Act, the State Government shall have power to give to the University, from time to time, such directions as it may consider necessary in regard to categories of posts in which reservation of posts shall be made in favour of the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, percentage of the posts to be reserved for them and any other matters connected with such reservation, and the University shall comply with such directions.]

Tribunal of
Arbitration.

31. (1) Any dispute arising out of contract of employment referred to in section 30 between the University and an employee shall, at the request of either party, be referred to a Tribunal of Arbitration which shall consist of the member nominated by the Board of Management, one member nominated by the employee concerned and an umpire to be nominated by the Chancellor.

(2) Every such reference shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the *Arbitration Act, 1940, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

2 of
1940

(3) The procedure for regulating the work of the Tribunal of Arbitration shall be prescribed by the Statutes.

(4) The decision of the Tribunal of Arbitration shall be final and binding on the parties, and no suit shall lie in any court in respect of the matters decided by the Tribunal.

Delegation
of powers.

32. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may, by order, delegate his or its powers, except the power to make Statutes, Ordinances and regulations, to any other officer or authority under his or its control, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

Disputes as
to consti-
tution of
University
authorities
and bodies.

33. (1) If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

(2) Any nominee or *ex officio* member appointed on any authority or body of the University shall be deemed to have vacated his office, whenever his nomination or appointment is cancelled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

¹ Section 30A was inserted by Mah. 7 of 1993, s. 17.

* See now the Arbitration and Conciliation Act, 1996 (26 of 1996).

34. All the casual vacancies among the members (other than *ex officio* members), of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, or co-opts the member whose place has become vacant and any person appointed or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of casual vacancies.

35. No act or proceedings of any authority or any other body shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

Proceedings of University authorities or bodies not invalidated by vacancies.

36. (1) It shall be the duty of every authority and officer of the University to ensure that the interests of the University are duly safe-guarded.

Authorities and officers responsible for damage.

(2) If it is found that a damage or loss has been caused to the University by any action on the part of any authority or officer or employee of the University not in conformity with the provisions of this Act, the Statutes, Ordinances or regulations except when done in good faith, or any failure so to act in conformity thereof, by wilful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or the members concerned thereof or from the officer or the employee concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.

37. No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or the Statutes or the Ordinances.

Protection of action taken in good faith.

38. A copy of any receipt, application, notice, order, proceedings, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar shall, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

Mode of proof of University record.

1 of 1872.

39. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary, or expedient for removing the difficulty :

Power to remove difficulties.

Provided that, no such order shall be made under this section after the expiry of two years from the commencement of this Act.

40. Notwithstanding anything contained in this Act and the Statutes,—

Transitional provisions.

(a) The first Vice-Chancellor, the first Registrar and the first Finance Officer shall be appointed by the Chancellor in consultation with the State Government and they shall be governed by the terms and conditions of service specified by the Statutes :

Provided that, the first Vice-Chancellor shall be eligible for appointment in the manner specified in the Statutes for regular term.

(b) The first Board of Management shall consist of not more than nineteen members who shall be nominated by the Chancellor in consultation with the State Government and they shall hold office for a term of three years.

(c) (i) The first Planning Board shall consist of not more than ten members who shall be nominated by the Chancellor in consultation with the State Government and they shall hold office for a term of three years.

(ii) The Planning Board shall, in addition to the powers and functions conferred on it by this Act, exercise the powers of the Academic Council, until the Academic Council is constituted under the provisions of this Act and the Statutes, and in the exercise of such powers, the Planning Board may co-opt such members as it may decide.

THE FIRST SCHEDULE.

THE OBJECTS OF THE UNIVERSITY.

(See section 4)

The objects of the Yashwantrao Chavan Maharashtra Open University shall be—

(a) to provide through instruction, teaching and training and other educational opportunities, access to larger and larger segments of the population, and in particular to the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields ;

(b) to strengthen and diversify the degree, diploma and certificate courses, at various educational levels, to fulfil the knowledge, skill and developmental needs of the individuals, institutions and society in general, by relating, particularly, the courses to the needs of employment and economic development of the State on the basis of its natural and human resources ;

(c) to promote acquisition of knowledge in a rapidly developing and changing society and to continually offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavour by developing educational network with the use of modern communication media and technologies appropriate for a learning society ;

(d) to provide an innovative system of university level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in all fields of knowledge ;

(e) to contribute to the improvement of the educational system in the State by providing a non-formal channel complementary to the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software developed by the University ;

(f) to develop innovative, need based vocational courses and establish industry, institution linkage for developing the society ;

(g) to provide through incidental and non-formal means, for continuing and extension of education in various cultural forms, arts, crafts and skills of the country, raising their quality and improving their availability to the people ;

(h) to provide suitable post-graduate courses of study and promote and make provision for research and development in various fields of knowledge and particularly in the field of educational technologies and distance or mediated education for effective and efficient teaching, learning, evaluation and dissemination of knowledge ;

(i) to provide or arrange for training of teachers required for open and distance education system ;

(j) to provide for counselling and guidance to its students ; and

(k) to promote national integration, integrated development of the human personality and advance the culture of the people of Maharashtra in particular, and India in general, using rich cultural heritage and traditions of social reform of the people of Maharashtra.

(l) to provide major part of its resources and direct efforts in designing, developing and offering need-based and relevant vocational and technical courses forming major thrust of the University ;

(m) to have least dependence on the grants of the State Government and, after the initial formative period of about five years, be self-supporting in its operating cost by attracting social and private contributions to its programmes and by charging fees based on unit operating cost ;

(n) to develop working culture and achieving economics of scale through mechanization, computerization and economic and efficient administration without any loss of quality and standards in education.

2. The University shall strive through teaching, training, research and extension, to fulfil the above objectives by employing diversity of means and media of distance education and developing self-learning materials disseminated to every student or through broadcast, non-broadcast and correspondence channels and a network of study centres, by using mainly Marathi and English as the media of instructions, and shall function in co-operation with the existing universities and institutions of higher learning and make full use of the latest scientific knowledge and new educational technologies to offer education of high quality, diversity and relevance which fulfils the requirements of a learning society and develops the University into a mass-versity.

THE SECOND SCHEDULE.
STATUTES OF THE UNIVERSITY.

(See section 24)

1. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be a whole-time salaried officer of the University.

[* * * * *]

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier, and he shall not be eligible for re-appointment :

Provided that, the Chancellor may require any Vice-Chancellor after his term has expired, to continue in office for such period not exceeding a total period of one year as may be specified by him.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows :—

(a) There shall be paid to the Vice-Chancellor a salary of Rs. 7,600 per month and he would be entitled to the free use of the University car and without payment of rent to the use of furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence:

(b) In addition to the salary specified in sub-clause (a) the Vice-Chancellor shall be entitled to such other allowances as are admissible to University employees from time to time.

(c) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the State Government :

Provided that, where an employee of the University or a College or of any other University or any institution maintained by or affiliated to such other University is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund, but under this provision, the pay for the purpose of subscription to the provident fund shall be the pay drawn by him as Vice-Chancellor :

Provided further that, where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(d) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be approved by the Chancellor from time to time.

(e) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(f) In addition to the leave referred to in sub-clause (e), the Vice-Chancellor shall be entitled to half pay leave at the rate of twenty days per year of every completed year of service and the half pay leave may be availed of as commuted leave on full pay on medical grounds.

(g) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Chancellor may appoint any suitable person including the Director to act as Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

2. *Powers and functions of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be *ex officio* Chairman of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any other authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes, Ordinances and regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall, subject to the provisions of sub-section (4) of section 10, give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during his absence.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the rules and if he so desires, delegate such powers to another officer of the University.

(8) The Vice-Chancellor shall have the power to convene or cause to be convened, the meetings of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely :—

(a) to appoint such professors, readers, lecturers and other teacher as may be necessary, with the prior approval of the Board of Managements ;

(b) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University ;

(c) to make short term appointments for a period not exceeding six months at a time, but which may further be extended for a period not exceeding one year in the aggregate, of such persons as may be considered necessary for the functioning of the University ;

(d) to arrange for the establishment and maintenance of regional and study centres at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

3. *The Directors.*—(1) Every Director shall be appointed by the Board of Management on the recommendations of,—

(a) the Vice-Chancellor, if the candidate to be appointed is already a teacher of the University ; and

(b) a selection committee constituted for the purpose, in case the candidate to be appointed is from outside the University.

(2) Every Director shall be a whole-time salaried officer of the University.

(3) The emoluments and other conditions of service of the Director shall be prescribed by the Statutes :

Provided that, a Director shall retire on attaining the age of sixty years.

(4) A Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances.

4. *The Registrars.*—(1) Every Registrar shall be appointed by the Board of Management on the recommendations of a selection committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of a Registrar shall be such as may be determined by the Board of Management with the approval of the Chancellor :

Provided that, a Registrar shall retire on attaining the age of fifty-eight years.

(3) A Registrar designated by the Board of Management shall have powers to take disciplinary action against such of the employees, excluding teachers and other members as the Board of Management may, by order, specify.

(4) An appeal shall lie to any officer so designated by the Board of Management against any order made by the Registrar in pursuance of clause (3).

(5) In cases where an inquiry discloses that a punishment beyond the powers of a Registrar is called for, the Registrar shall, consequent to the enquiry, make a report to the Vice-Chancellor along with his recommendations for such action as the Vice-Chancellor may deem fit :

Provided that, an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(6) Such of the Registrars as is designated by the Board of Management shall be,—

(a) the Secretary to the Board of Management,

(b) the Member-Secretary of the Academic Council,

(c) the Member-Secretary of the Planning Board.

(7) (1) A Registrar so designated shall—

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge ;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by those authorities;

(c) keep the minutes of the meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by those authorities ;

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council and the Planning Board ;

(e) supply to the Chancellor, a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings ;

(f) represent the University in suits or proceedings by or against the University, sign powers of attorney, verify pleadings and depute his representative for the purpose ;

(g) prepare the annual report of the University ;

(h) perform such other functions as may be specified in these Statutes, Ordinances or regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

(2) When the office of the Registrar is vacant or when the Registrar is by reason of ill-health, absent or due to any other cause unable to perform his functions as Registrar, his functions shall be performed by such persons as the Vice-Chancellor may appoint for the purpose.

5. *The Finance Officer.*—(1) The Finance Officer shall be appointed by the State Government by a notification published in the *Official Gazette*. His appointment shall be for such period and on such terms and conditions as the State Government may determine. He shall be a whole-time salaried officer and shall work under the control of the Vice-Chancellor.

(2) When the office of the Finance Officer is vacant or when the Finance Officer is by reason of ill-health absent or due to any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Finance Officer shall—

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies ;

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances :

Provided that, the Finance Officer shall not incur any expenditure or make any investment exceeding one lakh of rupees without the previous approval of the Board of Management.

(4) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall—

(a) hold and manage the properties and investments of the University, including trust and immoveable properties for fulfilling any of the objects of the University ;

(b) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted ;

(c) be responsible for the preparation of the annual budget estimates and the annual accounts of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee ;

(d) keep a constant watch on the cash and bank balances and investments ;

(e) watch the progress of collection of revenue and advise on the methods of collection employed ;

(f) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in the offices of the University including regional centres, study centres and other institutions maintained by the University ;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault ;

(h) call from any office of the University, including regional centres, study centres and other institutions, maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(5) Any receipt given by the Finance Officer or by the person or persons duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

6. *Constitution of the Board of Management.*-(1) The Board of Management shall be the principal executive authority of the University and shall consist of the Chairman and the following members, namely :—

(a) The Vice-Chancellor, *ex officio* Chairman;

(b) Secretary to Government of Maharashtra (Higher Education) or his representative not below the rank of Deputy Secretary ;

(c) Secretary to Government of Maharashtra (Industries) or his nominee not below the rank of Deputy Secretary;

(d) Secretary to Government of Maharashtra (Agriculture) or his nominee not below the rank of Deputy Secretary ;

(e) The Director of Higher Education, or his representative not below the rank of the Joint Director;

(f) The Director of Technical Education, or his representative not below the rank of the Joint Director;

(g) Director of Vocational Education and Training or his representative not below the rank of the Joint Director;

(h) Two Vice-Chancellors to be appointed by the Chancellor one of whom shall be from amongst the Vice-Chancellors of the Non-Agricultural University and the second shall be from the Agricultural University;

(i) One Director to be appointed by the Vice-Chancellor by rotation, according to the seniority;

(j) Two members of the Maharashtra Legislative Assembly, to be nominated by the Maharashtra Legislative Assembly;

(k) One member of the Maharashtra Legislative Council, to be nominated by the Maharashtra Legislative Council;

(l) Five persons nominated by the Chancellor, who may include distinguished persons from the fields of (i) Education, (ii) Research, (iii) Industry, (iv) Management and Commerce, and (v) Agriculture and Agro-Industries;

(m) One nominee of the Vice-Chancellor of the Indira Gandhi National Open University, New Delhi.

(2) The quorum to constitute a meeting of the Board of Management shall be six.

(3) The term of office of the members, other than *ex officio* members shall be three years.

(4) No person shall be a member or continue to be such member of the Board for more than two terms.

(5) A person who is a member by virtue of his office, shall cease to be such member on his ceasing to hold that office.

7. *Powers and functions of the Board of Management.*—(1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, and the Ordinances, the Board of Management shall have the following powers, namely :—

(a) to create teaching and other academic posts and to define the functions and conditions of service of professors, readers, lecturers and other teachers and other academic staff employed by the University ;

(b) to prescribe qualifications for teachers and other academic staff ;

(c) to approve the appointment of such professors, readers, lecturers and other teachers and academic staff as may be necessary on the recommendations of the selection committee constituted for the purpose ;

(d) to approve appointments to temporary vacancies of any academic staff ;

(e) to specify the manner of appointment to temporary vacancies of academic staff ;

(f) to provide for the appointment of visiting professors, emeritus professors, fellows, artists and writers and determine the terms and conditions of such appointments ;

(g) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agents as may be considered fit ;

(h) to invest any money belonging to the University ; including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchase of immoveable property in the State with like power of varying such investment from time to time :

Provided that, no action under this clause shall be taken without consulting the Finance Committee ;

(i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto ;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes ;

(k) to transfer or accept transfers of any immoveable or moveable property on behalf of the University ;

Provided that, no immoveable property shall be transferred without the prior approval of the State Government ;

(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved ;

(m) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable after consulting the Finance Committee ;

(n) to select the common seal for the University and to provide for the use of such seal ;

(o) to delegate any of its powers to the Vice-Chancellor, Registrars, the Finance Officer or any other officer, employee or authority of the University or to a committee appointed by it ;

(p) to institute fellowships, scholarships, studentships ; and

(q) to exercise such other powers and perform such other functions as may be conferred or imposed on it by this Act or the Statutes.

(3) The Board of Management shall exercise all the powers of the University not otherwise provided for by the Act, the Statutes, the Ordinances and the regulations for the fulfilment of the objects of the University.

8. *Powers and duties of the Academic Council.*—Subject to this Act, the Statutes, the Ordinances and the regulations, the Academic Council shall, in addition to all other powers vested in it by this Act, shall have the following powers, namely :—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation or research or improvement in academic standards ;

(b) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or the Board of Management and to take appropriate action thereon ;

(c) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, including discipline, admissions, award of fellowships and studentships and other academic requirements ; and

(d) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act, the Statutes and the Ordinances.

9. *The Planning Board.*—(1) The Planning Board shall consist of not more than ten members. The quorum to constitute a meeting of the Planning Board shall be four.

(2) All the members of the Planning Board, other than the Vice-Chancellor, shall hold office for a term of three years from the date of their becoming such member. No person shall be a member or continue to be such member for more than two terms.

(3) It shall be the responsibility of the Planning Board to design and formulate appropriate programmes and activities of the University, and it shall, in addition, have the right to advise the Board of Management and the Academic Council on any matter which it may deem necessary for the fulfilment of the objects of the University :

Provided that, in case there is any difference of opinion between the Planning Board and the Academic Council on any matter, it shall be referred to the Board of Management whose decision shall be final.

(4) The Planning Board may constitute such committees as may be necessary for planning and monitoring the programmes of the University.

(5) The Planning Board shall meet at such intervals as it shall deem expedient, but it shall meet at least twice in a year.

10. *The Finance Committee.*—(1) The Finance Committee shall consist of not more than seven members.

(2) All the members of the Finance Committee, other than the Vice-Chancellor, shall hold office for a term of three years from the date of becoming members.

(3) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.

(4) The Finance Committee shall meet at least thrice in a year to examine the accounts and scrutinise the expenditure.

(5) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(6) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments, and thereafter submitted to the Board of Management within the overall ceiling fixed by the Committee.

(7) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University, and no expenditure shall be incurred by the University in excess of the limits so fixed.

11. *Selection committees for teachers.*—(1) There shall be selection committees for making recommendations to the Board of Management for appointments to the posts of professors, readers, lecturers and other academic staff and heads of institutions maintained by the University.

(2) Each of the selection committees for appointment to the post of professors, readers, lecturers and the academic staff shall consist of the Chairman and the following members, namely :—

(a) the Vice-Chancellor, *ex officio* Chairman ;

(b) the Director nominated by the Vice-Chancellor ;

(c) a person nominated by the Chancellor ; and

(d) three experts not connected with the University, to be nominated by the Board of Management in such manner as may be specified in the Ordinances ;

(e) a person nominated by Vice-Chancellor to represent the interest of Scheduled Castes and Scheduled Tribes.

(3) The quorum for a meeting of a selection committee shall be four, which will include at least two experts.

(4) The procedure to be followed by a selection committee in making recommendations shall be such as may be laid down in the Ordinances.

(5) If the Board of Management is unable to accept the recommendations made by a selection committee, it shall record its reasons for such non-acceptance and submit the case to the Chancellor for final orders.

12. *Special mode of appointment by invitation.*—(1) Notwithstanding anything contained in these Statutes, the Board of Management may invite a person of high academic distinction and professional attainments to accept the post of a professor or a reader or equivalent academic post in the University on such terms and conditions as it may deem fit, and appoint such person to such post.

(2) The Board of Management may appoint a teacher or any other academic staff working in any other University or organisation for teaching or for undertaking a project or any work on such terms and conditions as may be determined by the Board in accordance with the manner specified by the Statutes.

13. *Special mode of appointment on tenure.*—The Board of Management may appoint a person selected in accordance with the procedure laid down in the Statutes 11 and 12 for a fixed tenure, on such terms and conditions as it may deem fit.

14. *Selection committee for officers and employees other than teachers.*—(1) The selection committee for appointment to the posts of officers shall consist of the Chairman and the following members, namely :—

(i) The Vice-Chancellor, *ex officio* Chairman ;

(ii) Two nominees nominated by the Board of Management not connected with the University ;

(iii) One nominee of the Chancellor ;

- (iv) The Director who is member of the Board of Management ;
- (v) The Director of Higher Education ;
- (vi) One nominee of the Vice-Chancellor to represent the interest of Scheduled Castes and Scheduled Tribes.

The Registrar shall act as a Secretary of the selection committee. The quorum for the selection committee shall be four.

(2) The selection committee for appointment to the posts of employees other than officers shall consist of the Chairman and the following members, namely :—

- (i) The Director nominated by the Vice-Chancellor—Chairman ;
- (ii) One teacher nominated by the Board of Management ;
- (iii) The Registrar.

(3) The procedure to be followed by the selection committee in making recommendations shall be such as may be laid down in the Ordinances.

(4) The Vice-Chancellor shall be competent to fill in the temporary vacancy of a teacher or an employee for a period not exceeding six months in the aggregate without following the above procedure.

15. *Recognised Teachers.*—(1) The qualifications for recognition of persons working in other universities, institutions or organisations as teachers shall be such as may be prescribed by the Ordinances.

(2) The manner of recognising teachers, the period of recognition and withdrawal of recognition shall be such as may be prescribed by the Ordinances.

16. *Committees.*—(1) Any authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees, persons who are not members of such authority.

(2) Any committee appointed under clause (1) may deal with any subject delegated to it subject to the subsequent confirmation by the authority appointing it.

17. *Terms and conditions of service and code of conduct of the teachers and other academic staff of the University.*—(1) All the teachers and other academic staff of the University shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes and the Ordinances.

(2) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be specified by the Board of Management, with the approval of the Chancellor.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

18. *Terms and conditions of service and code of conduct of other employees of the University.*—All the employees of the University, other than the teachers and other academic staff of the University shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as may be specified in the Statutes and the Ordinances.

19. *Removal of employees of the University.*—(1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other officer or employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff, and the authority or officer competent to appoint (hereinafter referred to as "appointing authority") in the case of other employee, may, by order in

writing, start against such teacher, member of the academic staff or other employee departmental enquiry and shall forthwith report to the Board of Management the circumstances in which the order was made.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Board of Management in respect of teachers and other academic staff, and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or, as the case may be, other employee on grounds of misconduct.

(3) No teacher, member of the academic staff or other employee shall be removed under clause (2), unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(4) The removal of teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made :

Provided that, where the teacher, member of the academic staff or other employee is under suspension at the time of his removal such removal shall take effect from the date specified in the order.

(5) Notwithstanding anything contained in the foregoing provisions of this Statute a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Board of Management or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof ;

(b) if he is not a permanent employee, only after giving one months' notice in writing to the Board of Management or the appointing authority, as the case may be, or by paying one month's salary in lieu thereof :

Provided that, such resignation shall take effect only on the date of resignation accepted by the Board of Management, or by the appointing authority, as the case may be.

20. *Maintenance of discipline amongst students of the University.*—(1) The powers regarding discipline and disciplinary action in regard to the students of the University shall vest with the Vice-Chancellor. The Vice-Chancellor may delegate all or any of his powers, as he may deem fit.

(2) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action as he may deem appropriate for the maintenance of discipline, the Vice-Chancellor, may, in the exercise of his power, by order, direct that any student or students be expelled or rusticated for a specified period and not admitted to a course or courses of study in the University or a recognised institution for a period specified in the order, or be punished with a fine for an amount to be specified in the order, or debar him from taking an examination or examinations conducted by the University or a recognised institution for one or more years or that the result of the student or students concerned in the examination or examinations in which he or she has appeared be cancelled.

(3) The head of recognised institution shall have the authority to exercise all such disciplinary powers over the students in their respective institutions as may be necessary for proper conduct of such institution.

21. *Procedure for recovery of damage or loss caused to the University.*—(1) If at any time, the Board of Management finds, on a reference received by it either from the Chancellor or otherwise that a damage or loss has been caused to the University by any act on the part of any authority (other than the Board of Management) or,

Officer (other than the Chancellor or Vice-Chancellor) or other employee of the University which is not in conformity with the provisions of the Act, the Statutes, Ordinances or regulations, or which is not in the interest of the University, by wilful neglect or default on its or his part, the Board of Management shall hold a preliminary enquiry to determine whether there is a *prima facie* case for appointing an Enquiry Officer or a Committee of Enquiry into the matter and fixing the responsibility for the damage or loss caused. Where the preliminary enquiry is held on a reference received from the Chancellor, the Board of Management shall submit a report of such enquiry to the Chancellor or within the time limit fixed by the Chancellor.

(2) If the Board of Management is satisfied itself that there is a *prima facie* case so to do, or when a direction to that effect is received from the Chancellor, the Board of Management shall appoint a Committee of Enquiry consisting of one or more persons for the purpose of making enquiries with definite terms of reference such as :—

- (i) to investigate into the complaint,
- (ii) to assess the damage or loss caused,
- (iii) to determine the authority, the member of the authority or the officer or employee responsible therefor, and
- (iv) to recommend what amount should be recovered from the authority, member, officer or employee concerned.

The Committee shall regulate its own procedure.

(3) After making the necessary enquiries, the Committee shall submit its report to the Board of Management, within such time or extended time as specified by the Board of Management from time to time. Where a Committee is appointed on the direction from the Chancellor, a copy of report of the Committee shall be submitted by the Board of Management to the Chancellor.

(4) On receipt of the report of the Committee, the Board of Management shall consider the report. If it considers that any action is required to be taken against any authority, member or officer or other employee, the Board of Management shall inform the authority, member or officer or other employee concerned the charges against it or him and the amount proposed to be recovered from it or him. The Board of Management shall give a reasonable opportunity to the authority, member or officer or other employee concerned of making a representation in respect of these charges and the amount proposed to be recovered from it or him.

(5) After giving such opportunity, the Board of Management shall decide what action should be taken and against whom, and in such decision shall certify the amount due and to be recovered, from the authority, member or officer or other employee concerned. When any action is proposed to be taken in any case in which the enquiry is made by the Committee, on a reference from the Chancellor, previous approval from the Chancellor shall be obtained.

(6) Any amount certified by the Board of Management to be due from any authority, member or officer or other employee shall be paid by such authority, member or officer or other employee, as the case may be, to the University, within sixty days from the date of receipt by it or him of the decision of the Board of Management. On its or his failure to pay the amount accordingly, it shall be recovered by the University either from the remuneration payable to a defaulter or by instituting necessary legal proceedings against the defaulter in a Court of Law.

(7) (a) Where the Board of Management or any of its member or the Vice-Chancellor is alleged to have caused such damage or loss to the University, the Chancellor may, on a complaint received or otherwise, appoint a Committee of Enquiry consisting of one or more persons for the purpose of making an inquiry into the matter and for submitting a report to him, within such time or extended time as may be specified by him.

(b) On receipt of the report of the Committee, the Chancellor may after informing the Board of Management or any member thereof, or the Vice-Chancellor, as the case may be, the charges against it or him and after giving a reasonable opportunity to it or him of making a representation in respect of those charges, decide what action should be taken and against whom, and in such decision shall specify the amount due and to be recovered from the Board of Management, or any member thereof or the Vice-Chancellor, as the case may be.

(c) Any amount certified by the Chancellor to be due from the Board of Management or any member thereof or the Vice-Chancellor, as the case may be, shall be paid by it or him to the University, within sixty days from the date of receipt by it or him of the decision of the Chancellor. On its or his failure to pay the amount accordingly, it shall be recovered by the University either from the remuneration payable to the defaulter or by instituting necessary legal proceedings against the defaulter in a Court of Law.